

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **CRIMINAL JUSTICE**

DATE: OCTOBER 25, 2007

**Committee Members Present:**

Supervisors Tessier  
Bentley  
O'Connor  
Stec  
Kenny  
Mason  
VanNess

**Others Present:**

Kate Hogan, District Attorney  
John W. P. Wappett, Public Defender  
Amy Bartlett, First Assistant, County Attorney  
John Adams, Probation Supervisor  
Hal Payne, Commissioner of Administrative & Fiscal  
Services  
Joan Sady, Clerk of the Board  
Supervisor Geraghty  
Debra L. Schreiber, Legislative Office Specialist

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Mr. Tessier called the Criminal Justice Committee meeting to order at 10:00 a.m.

Motion was made by Mr. Kenny, seconded by Mr. Mason, and carried unanimously to approve the minutes of the September 27, 2007 Committee meeting, subject to correction by the Clerk.

Privilege of the floor was extended to John Adams, Probation Supervisor, who distributed copies of his agenda, *a copy of which is on file with the minutes.*

On behalf of Robert Iusi, Probation Director, who was attending a symposium in Saratoga Springs, New York, Mr. Adams requested to amend the 2007 County Budget to increase estimated revenues and appropriations in the amount of \$800 to reflect the receipt of funds from the New York State (NYS) Division of Probation and Correctional Alternatives (DPCA) for pre-trial services.

Motion was made by Mr. Mason, seconded by Mr. Bentley and carried unanimously approving the request as outlined above, and referring same to the Finance Committee for consideration. *A copy of the resolution request form is on file with the minutes.*

Mr. Adams requested permission to enter into a contract with Dr. Richard Hamill to conduct polygraph examinations on sex offenders that were under probation supervision, commencing immediately and terminating March 31, 2008, for a total amount not to exceed \$6,300. He noted the cost for these services would be borne by the New York State Division of Probation, thereby eliminating any cost to the County.

Motion was made by Mr. Mason, seconded by Mr. Kenny and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the November 16, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Privilege of the floor was extended to Kathleen Hogan, District Attorney, who requested an employee within her Department be granted permission to enroll in two job-related courses at SUNY Plattsburgh with the County to reimburse half the tuition cost, pursuant to the Civil Service Employees Association (CSEA) contract.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously approving the

request as outlined above; and referring same to the Personnel/Human Resources Committee for consideration. *A copy of the resolution request form is on file with the minutes.*

Referring to the list of pending items, Ms. Hogan apprised they were still attempting to schedule a meeting with the New York State Association of School Boards to discuss how the County Local Law, as it relates to sex offenders in our schools and parks, interfaces with Meghan's Law and the position of the School Board on parents right to access. After numerous discussions with Amy Bartlett, First Assistant County Attorney, she apprised that the Glens Falls School District position and policy was still in flux. Furthermore, she indicated that Jay Worona from the NYS Association of School Boards, would be the mediator between the School District, the Board of Supervisors and her Department.

With respect to Item 2, Ms. Hogan apprised that she and Kevin Engel, Counsel to Senator DeFrancisco, have traded phone calls and emails regarding the consolidation of all Town Courts into a District Court; however, she said, she was unsure whether any new decision would be reached during this Legislative session.

Continuing on with Item 3, Ms. Bartlett reported the proposed "Social Hosting" Local Law had been revised and was ready to be presented for a public hearing. Ms. Hogan noted their Office had been contacted by a Siena College student researching the State laws involving Social Hosting. A comprehensive Social Hosting Law was enacted in Nassau County, and, she said, Warren County was looking to adopt a similar law.

Motion was made by Mr. VanNess and seconded by Mr. Bentley approving the proposed Local Law and authorizing that a public hearing be scheduled to establish a Local Law prohibiting the consumption of alcoholic beverages and/or illegal drugs by minors on private premises in Warren County.

In response to an inquiry by Mr. Bentley, Ms. Hogan replied if the consumption occurred on public property, the property owner assumed criminal culpability so that New York State or a municipality would not face prosecution. She explained that an individual who possessed alcohol on public property would face prosecution, and in the alternative, the property owner who knowingly allowed an individual to possess alcohol on private property would be prosecuted.

After discussion, Mr. Tessier called the question and the previous motion was carried unanimously. A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the November 16, 2007 Board Meeting.

Ms. Hogan invited all supervisors to attend a Fall Family Health Festival that was scheduled for Saturday, October 27, 2007 at the Chester Town Hall from 11 a.m. to 3 p.m. to increase breast cancer awareness and would offer a "no cost" mammogram to those individuals within the County that would not otherwise have such test performed.

Privilege of the floor was extended to John Wappett, Public Defender, who reminded the Committee that towards the end of 2006 his Department experienced a shortfall and he had to request a transfer of funds. He said some of their codes in the 2007 Public Defender Budget were decreased five

percent and he anticipated experiencing another shortfall this year. He commented that he had contacted the Treasurer's Department and would have a definitive transfer request at the next committee meeting. Mr. Wappett commented that he was hopeful that his proposed 2008 Public Defender Budget would alleviate those shortfall requests at the end of the year.

Mr. Wappett requested a transfer of funds in the amount of \$364 to cover a shortfall for subscription costs.

Motion was made by Mr. Mason, seconded by Mr. Bentley and carried unanimously authorizing the request as outlined above; and to refer same to the Finance Committee for consideration. *A copy of the resolution request form is on file with the minutes.*

In response to the proposed Social Hosting Local Law, Mr. Wappett noted that his Department was already experiencing a twenty percent increase in clients and after consulting other local counties, he concluded it was no aberration. While there was no clear explanation, he said, this twenty percent increase had a significant impact on the five employees within his Department.

There being no further business to come before the Committee, on motion by Mr. Stec and seconded by Mr. O'Connor, Mr. Tessier adjourned the meeting at 10:16 a.m.

Respectfully submitted,

Debra L. Schreiber, Legislative Office Specialist